



CFW

I.F.W

2874 SAC

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/087,878
	Filing Date	03/01/2002
	First Named Inventor	David R. Ohm
	Art Unit	2874
	Examiner Name	Connelly-Cushwa, Michelle
Total Number of Pages in This Submission	Attorney Docket Number	109897-129960

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	SCHWABE, WILLIAMSON & WYATT, P.C.	
Signature		
Date	04/30/2004	

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Heather L. Adamson		
Signature		Date	04/30/2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PTO/SB/17 (10-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$) 0.00

**Complete if Known**

Application Number	10/087,878
Filing Date	03/01/2002
First Named Inventor	David R. Ohm
Examiner Name	Connelly-Cushwa, Michelle
Art Unit	2874
Attorney Docket No.	109897-129960

**METHOD OF PAYMENT** (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number  
Deposit Account Name

500393

Schwabe, Williamson et al

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$) 0.00

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

		Extra Claims		Fee from below		Fee Paid	
Total Claims		-20** =		X		=	
Independent Claims		-3** =		X		=	
Multiple Dependent							

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$) 0.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Entity | Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$) 0.00

**SUBMITTED BY**

(Complete (if applicable))

Name (Print/Type)	Jason K. Klindtworth	Registration No. (Attorney/Agent)	47,211	Telephone	503-222-9981
Signature		Date	04/30/2004		

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Attorney's Docket No.: 109897-129960

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

David R Ohm.

Application No.: 10/087,878

Filing Date: April 13, 2004

For: MONITORING A  
SEMICONDUCTOR LASER  
UTILIZING AN INCORPORATED  
BEAM SPLITTER DEVICE

Examiner: Connelly-Cushwa, Michelle

Art Group: 2874

Confirmation No.: 6254

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on this date: 04/30/2004

Typed or Printed: Heather L. Adamson

Signature: Heather L. Adamson

Date: 04/30/04

Attention: Office of Petitions  
Mail Stop PETITION  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**PETITION IN ACCORDANCE WITH 37 CFR §1.181**

Dear Sir:

Applicant hereby petitions under 37 CFR §1.181 for withdrawal of holding of abandonment with respect to the above-captioned patent application due to non-receipt of an Office Action.

**Background**

In September 2003, Applicant's representative, Schwabe, Williamson & Wyatt (hereinafter SCHWABE), proceeded to obtain a Revocation of Power of Attorney with New Power of Attorney and a Change of Correspondence Address, and a Statement under 37 CFR 3.73(b) after it was determined that the above-referenced application had been disassociated with SCHWABE's customer number by the United States Patent and Trademark Office (hereinafter "USPTO") without the consent of the assignee.

### **Statement of Facts**

On October 10, 2003, Revocation of Power of Attorney with New Power of Attorney and a Change of Correspondence Address, and a Statement under 37 CFR 3.73(b), executed by Applicant on September 30, 2003, was filed by SCHWABE with the USPTO. A copy of which is included as Exhibit A.

On November 10, 2003, SCHWABE received a Notice of Acceptance of Power of Attorney dated November 7, 2003, which indicated that the above-referenced application was once again associated with SCHWABE's customer number. A copy of the Notice of Acceptance is included as Exhibit B.

On April 7, 2004, Sally Houk of SCHWABE received a telephone call from Examiner Michelle Connelly-Cushwa requesting confirmation of Applicant's intent to abandon the above-referenced application. Ms. Houk obtained contact information from Examiner Connelly-Cushwa and indicated that she would attempt to locate the file and have someone call the Examiner back.

On April 7, 2004, Heather Adamson of SCHWABE placed a telephone call to Examiner Connelly-Cushwa and explained to the Examiner that the Office Action of October 3, 2003 had not been received by SCHWABE and further indicated to the Examiner that it was not Applicant's or SCHWABE's intention to abandon the above-referenced application. In a following telephone conversation, Ms. Adamson requested that a Notice of Abandonment be sent promptly to SCHWABE so that a Petition could be filed.

On or about April 14, 2004, the undersigned was assigned the task of reviving the above-referenced application. In response, the undersigned reviewed the file history and reviewed the USPTO rules and procedures to determine proper corrective action.

On April 15, 2004, the undersigned spoke with Examiner Connelly-Cushwa to obtain further clarification regarding a course of corrective action recommended by the USPTO.

On April 15, 2004, Examiner Connelly-Cushwa transmitted to Ms. Adamson, a facsimile copy of the October 3, 2003 Office Action which had been incorrectly addressed to Philips Intellectual Property & Standards. A copy of the cover page from the Office Action is included as Exhibit C.

On April 16, 2004 and again on April 19, 2004, the undersigned participated in telephone calls with Sharene Willis, a Petition Attorney in the USPTO Office of Petitions, regarding requirements for filing a Petition in accordance with 37 C.F.R. §1.181 to revive the above-referenced application.

The undersigned has performed a search of the file jacket and docket records associated with the above-referenced application and has confirmed, based upon the results of the search, that the outstanding Office Action dated October 3, 2003 was not received by SCHWABE prior to April 15, 2004.

#### **Exhibits and Declarations**

A copy of the Revocation and Power of Attorney with New Power, and Change of Correspondence Address & Statement under 37 CFR 3.73(b) filed with the USPTO by SCHWABE on October 10, 2003, is provided as Exhibit A.

A copy of the Notice of Acceptance of Power of Attorney received from the USPTO by SCHWABE on November 10, 2003 is provided as Exhibit B.

A copy of the cover page of the October 3, 2003 Office Action is provided as Exhibit C.

A SCHWABE docket report indicating all docket entries having an "Action Due" date falling on or between January 2, 2004 and January 4, 2002 is provided in Exhibit D.

A SCHWABE docket report indicating all docket entries having "Actions Due" based upon a "Base Date" falling on or between October 2, 2003 and October 4, 2004, where the base date corresponds to the mailing date of correspondence (whether originated by SCHWABE or the USPTO), is provided in Exhibit E.

A SCHWABE docket report indicating all docket entries for the above-referenced patent application is provided as Exhibit F.

Declarations from Sally Houk, Heather Adamson and Jason Klindtworth are also included.

**Action Requested**

Applicant hereby requests that the holding of abandonment with respect to the above-captioned patent application be withdrawn due to non-receipt of an Office Action. Applicant further requests that the outstanding Office Action be remailed and the deadline for response be reset accordingly.

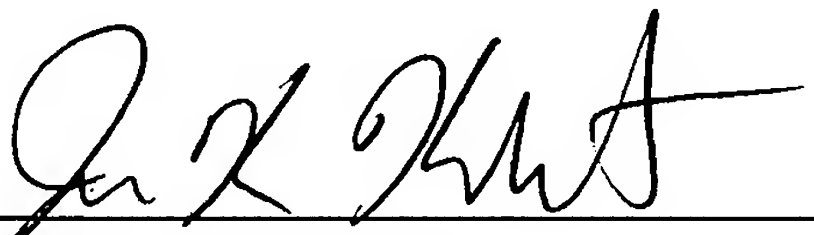
In the event Applicant's petition under 37 C.F.R. §1.181 cannot be granted due to one or more procedural or substantive deficiencies, Applicant hereby requests that the instant petition be considered under 37 C.F.R. §1.137(a) in the alternative.

**Conclusion**

Please charge any shortages or credit any overpayments to Deposit Account No. 500393. A Fee Transmittal is enclosed in duplicate for fee processing purposes.

Respectfully submitted,  
SCHWABE, WILLIAMSON & WYATT, P.C.

Dated: 4/30/04

  
\_\_\_\_\_  
Jason K. Klindtworth  
Registration No. 47,211

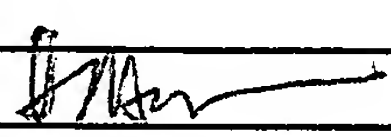
Pacwest Center, Suites 1600-1900  
1211 SW Fifth Avenue  
Portland, Oregon 97204  
Telephone: 503-222-9981

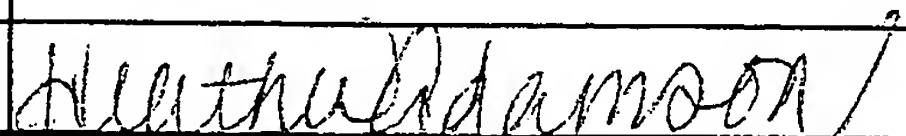


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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/087.878
	Filing Date	03/01/2002
	First Named Inventor	David R. Ohm
	Art Unit	2874
	Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	Attorney Docket Number	109897-129960

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Request to Change Attorney Docket Number; Return Receipt Postcard
Remarks _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	SCHWABE, WILLIAMSON & WYATT, PC
Signature	
Date	10/10/2003

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Heather L. Adamson		
Signature		Date	10/10/2003

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**REVOCATION OF POWER OF  
ATTORNEY WITH  
NEW POWER OF ATTORNEY  
AND  
CHANGE OF CORRESPONDENCE ADDRESS**

Application Number	10/087,878
Filing Date	03/01/2002
First Named Inventor	David R. Ohm
Art Unit	2874
Examiner Name	Not Yet Assigned
Attorney Docket Number	109897-129960

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint the practitioners associated with the Customer Number:

000025943

☒ Please change the correspondence address for the above-identified application to:

☒ The address associated with  
Customer Number:

000025943

OR

☐ Firm or  
Individual Name

Address

Address

City

State

Zip

Country

Telephone

Fax

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

**SIGNATURE of Applicant or Assignee of Record**

Name Edward L. Hershberg

Signature *Edward L. Hershberg*

Date *September 30, 2003*

Telephone (503) 644-7666

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Network Elements, Inc.

Application No./Patent No.: 10/087,878 Filed/Issue Date: 03/01/2002

Entitled: MONITORING A SEMICONDUCTOR LASER UTILIZING AN INCORPORATED BEAM SPLITTER DEVICE

Network Elements, Inc., a corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 012671, Frame 0410, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.  
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

September 30, 2003  
Date  
(503) 644-7666  
Telephone number

Edward L. Hershberg  
Typed or printed name  
Edward L. Hershberg  
Signature  
Executive Vice President - Product Development  
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

David R. Ohm

Application No.: 10/087,878

Filed: 03/01/2002

For: MONITORING A  
SEMICONDUCTOR LASER  
UTILITZING AN INCORPORATED  
BEAM SPLITTER DEVICE

Examiner: Not Yet Assigned

Art Group: 2874

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on this date: 10/10/2003

Typed or Printed: Heather L. Adamson

Signature:  Date: 10/10/2003

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

REQUEST TO CHANGE ATTORNEY DOCKET NUMBER

Dear Sir:

Please change the Attorney Docket Number to **109897-129960**.

Respectfully submitted,  
SCHWABE, WILLIAMSON & WYATT, P.C.

Dated: 10/10/03

Pacwest Center, Suites 1600-1900  
1211 SW Fifth Avenue  
Portland, Oregon 97204  
Telephone: 503-222-9981

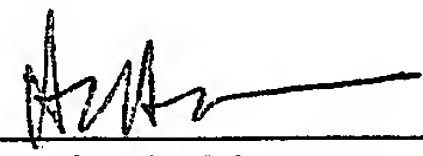
  
Aloysius T.C. AuYeung  
Registration No. 35,432

Exhibit B

1 PAGE



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

*W. H. O. R. C.*  
*Elements*

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/087,878	03/01/2002	David R. Ohm	51040.P029

25943

SCHWABE, WILLIAMSON & WYATT, P.C.  
 PACWEST CENTER, SUITES 1600-1900  
 1211 SW FIFTH AVENUE  
 PORTLAND, OR 97204

NOV 10 2003



\*OC000000011211218\*

CONFIRMATION NO. 6254

Date Mailed: 11/07/2003

## NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/14/2003.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

*Christine V Moore*

CHRISTINE V MOORE  
 2800 (703) 308-8565

ATTORNEY/APPLICANT COPY

*Don*

Exhibit C  
1 PAGE

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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Address: COMMISSIONER FOR PATENTS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,878	03/01/2002	David R. Ohm	51040.P029	6254
24737	7590	10/03/2003	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			CONNELLY CUSHIWA, MICHELLE R	
			ART UNIT	PAPER NUMBER
			2874	

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Actions Due

Thursday, April 29, 2004

Page: 1

Client-Matter #: 108760-126663

SubCase:

Country: US United States of America

Case Type: PRI

Status : Abandoned

Action Type: Maintenance Fee Reminders

Base Date: 11-Jan-2004

Response sent date:

Action(s) Due	Due Date	Indicator	Taken
3 Months Until Maintenance Due	11-Oct-2003	Reminder	
1 Month Until Maintenance Due	11-Dec-2003	Reminder	
1 Week Until Maintenance Due	04-Jan-2004	Reminder	
1 Mo. to Maint/Fee FINAL	11-Jun-2004	Reminder	
Maint/Fee w/Surcharge FINAL	11-Jul-2004	Final	

User ID: sxh

Date Created: 24-Jul-2003

Last Update: 24-Jul-2003

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## Actions Due

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Thursday, April 29, 2004

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Client-Matter #: 108643-129824

SubCase:

Country: US United States of America

Case Type: DES

Status : Pending

Action Type: US-Allowance

Base Date: 04-Nov-2003

Response sent date: 15-Jan-2004

Action(s) Due	Due Date	Indicator	Taken
Fee Due in 2 Months	04-Dec-2003	Reminder	15-Jan-2004
Fee Due in 1 Month	04-Jan-2004	Reminder	15-Jan-2004
Issue Fee Due	04-Feb-2004	Final	15-Jan-2004
Watch for Issue Notification	15-Apr-2004	Status Check	

User ID: hla

Date Created: 06-Nov-2003

Last Update: 15-Jan-2004



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## Actions Due

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Thursday, April 29, 2004

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Client-Matter #: 109263-129879

SubCase:

Country: US United States of America

Case Type: PRI

Status : Pending

Action Type: RESPONSE TO MISSING PARTS

Base Date: 25-Feb-2003

Response sent date: 03-Jul-2003

Action(s) Due	Due Date	Indicator	Taken
Response to Missing Parts DUE	25-Apr-2003	DUE DATE	03-Jul-2003
1st EXT-Missing Parts Response	25-May-2003	DUE DATE	03-Jul-2003
2nd EXT-Missing Parts Response	25-Jun-2003	DUE DATE	03-Jul-2003
3rd EXT-Missing Parts Response	25-Jul-2003	DUE DATE	03-Jul-2003
4th EXT-Missing Parts Response	25-Aug-2003	DUE DATE	03-Jul-2003
FINAL-MISSING PARTS W/5 MO E	25-Sep-2003	Final	03-Jul-2003
RESPONSE TO MIS Follow Up Date	03-Jan-2004	Due Date	03-Jan-2004

User ID: cah

Date Created: 28-Feb-2003

Last Update: 05-Jan-2004

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## Actions Due

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Thursday, April 29, 2004

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Client-Matter #: 109911-130396

SubCase:

Country: US United States of America

Case Type: ORD

Status : Abandoned

Action Type: US-3 Month Office Action

Base Date: 02-Jul-2003

Response sent date: 06-Oct-2003

Action(s) Due	Due Date	Indicator	Taken
1 Month to Due Date	02-Sep-2003	Reminder	06-Oct-2003
3 Month Due Date	02-Oct-2003	Due Date	06-Oct-2003
1st Extension	02-Nov-2003	Due Date	06-Oct-2003
2nd Extension	02-Dec-2003	Due Date	06-Oct-2003
3rd Extension	02-Jan-2004	Final	06-Oct-2003
Watch for Next Action	06-Jan-2004	Due Date	06-Oct-2003

User ID: hla

Date Created: 07-Jul-2003

Last Update: 06-Oct-2003

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## Actions Due

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Thursday, April 29, 2004

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Client-Matter #: 109881-130187

SubCase:

Country: US United States of America

Case Type: ORD

Status : Transferred

Action Type: US-Final Office Action

Base Date: 03-Oct-2003

Response sent date: 14-Oct-2003

Action(s) Due	Due Date	Indicator	Taken
1 Month to Due Date	03-Dec-2003	Reminder	14-Oct-2003
3 Month Due Date	03-Jan-2004	Due Date	14-Oct-2003
1st Extension	03-Feb-2004	Reminder	14-Oct-2003
2nd Extension	03-Mar-2004	Reminder	14-Oct-2003
2 Weeks to Final Date	18-Mar-2004	Due Date	14-Oct-2003
6 Month Final Date	03-Apr-2004	Final	14-Oct-2003
File Notice of Appeal?	03-Apr-2004	Final	14-Oct-2003
US-Final Office Follow Up Date	14-Apr-2004	Due Date	14-Oct-2003

User ID: hla

Date Created: 09-Oct-2003

Last Update: 15-Oct-2003

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## Actions Due

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Thursday, April 29, 2004

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Client-Matter #: 109897-129956

SubCase:

Country: US United States of America

Case Type: ORD

Status : Published

Action Type: US-3 Month Office Action

Base Date: 02-Oct-2003

Response sent date: 31-Dec-2003

Action(s) Due	Due Date	Indicator	Taken
1 Month to Due Date	02-Dec-2003	Reminder	31-Dec-2003
3 Month Due Date	02-Jan-2004	Due Date	31-Dec-2003
1st Extension	02-Feb-2004	Due Date	31-Dec-2003
2nd Extension	02-Mar-2004	Due Date	31-Dec-2003
Watch for Next Action	31-Mar-2004	Status Check	18-Mar-2004
3rd Extension	02-Apr-2004	Final	31-Dec-2003

User ID: hla

Date Created: 09-Oct-2003

Last Update: 23-Mar-2004

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## Actions Due

---

Thursday, April 29, 2004

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Client-Matter #: 109870-130102

SubCase:

Country: WO Patent Cooperation Treaty

Case Type: ORD

Status : Inactivate

Action Type: Patent Cooperation Treaty

Base Date: 02-Jul-2001

Response sent date: 04-Nov-2002

Action(s) Due	Due Date	Indicator	Taken
Administ16878243_PCT: Watch fo	02-Sep-2002	Due Date	25-Jul-2002
PCT: Watch for Search Report	04-Nov-2002	Due Date	31-Oct-2002
Administ51194738_PCT: Reminder	02-Dec-2002	Due Date	27-Jan-2003
ata4006968797667_PCT: Rmdr of	02-Dec-2002	Due Date	27-Jan-2003
Administ37086632_PCT: Reminder	02-Jan-2003	Due Date	27-Jan-2003
ata7876699636978_PCT: Deadline	02-Jan-2003	Due Date	27-Jan-2003
Administ51061763_PCT: Deadline	03-Feb-2003	Due Date	27-Jan-2003
Administ69334659_PCT: Ddline t	03-Mar-2003	Due Date	27-Jan-2003
Rmdr-for National Entry Ddln	02-Oct-2003	Reminder	15-Oct-2003
Ddline for National Entry	02-Jan-2004	Due Date	02-Jan-2004

User ID: cah

Date Created: 08-Jul-2002

Last Update: 23-Jan-2004

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## Actions Due

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Thursday, April 29, 2004

Page: 8

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Client-Matter #: 109870-130092

SubCase:

Country: WO Patent Cooperation Treaty

Case Type: ORD

Status : Inactivate

Action Type: Patent Cooperation Treaty

Base Date: 02-Jul-2001

Response sent date: 04-Nov-2002

Action(s) Due	Due Date	Indicator	Taken
Administ16878243_PCT: Watch fo	02-Sep-2002	Due Date	06-Aug-2002
PCT: Watch for Search Report	04-Nov-2002	Due Date	12-Sep-2002
Administ51194738_PCT: Reminder	02-Dec-2002	Due Date	05-Dec-2002
ata4006968797667_PCT: Rmdr of	02-Dec-2002	Due Date	05-Dec-2002
Administ37086632_PCT: Reminder	02-Jan-2003	Due Date	27-Jan-2003
ata7876699636978_PCT: Deadline	02-Jan-2003	Due Date	27-Jan-2003
Administ51061763_PCT: Deadline	03-Feb-2003	Due Date	27-Jan-2003
Administ69334659_PCT: Ddline t	03-Mar-2003	Due Date	27-Jan-2003
Rmdr for National Entry Ddln	02-Oct-2003	Reminder	15-Oct-2003
Ddln for National Entry	02-Jan-2004	Due Date	02-Jan-2004

User ID: cah

Date Created: 08-Jul-2002

Last Update: 23-Jan-2004



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## Actions Due

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Thursday, April 29, 2004

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Client-Matter #: 109870-130104

SubCase:

Country: WO Patent Cooperation Treaty

Case Type: ORD

Status : Inactivate

Action Type: Patent Cooperation Treaty

Base Date: 02-Jul-2001

Response sent date: 04-Nov-2002

Action(s) Due	Due Date	Indicator	Taken
Administ16878243_PCT: Watch fo	02-Sep-2002	Due Date	31-Jul-2002
PCT: Watch for Search Report	04-Nov-2002	Due Date	13-Sep-2002
Administ51194738_PCT: Reminder	02-Dec-2002	Due Date	27-Jan-2003
ata4006968797667_PCT: Rmdr of	02-Dec-2002	Due Date	27-Jan-2003
Administ37086632_PCT: Reminder	02-Jan-2003	Due Date	27-Jan-2003
ata7876699636978_PCT: Deadline	02-Jan-2003	Due Date	27-Jan-2003
Administ51061763_PCT: Deadline	03-Feb-2003	Due Date	27-Jan-2003
Administ69334659_PCT: Ddline t	03-Mar-2003	Due Date	27-Jan-2003
Rmdr for National Entry Ddln	02-Oct-2003	Reminder	15-Oct-2003
Ddline for National Entry	02-Jan-2004	Due Date	02-Jan-2004

User ID: cah

Date Created: 09-Jul-2002

Last Update: 23-Jan-2004

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## Actions Due

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Thursday, April 29, 2004

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Client-Matter #: 109911-130426

SubCase:

Country: US United States of America

Case Type: ORD

Status : Allowed

Action Type: US-Allowance

Base Date: 02-Jul-2003

Response sent date: 02-Oct-2003

Action(s) Due	Due Date	Indicator	Taken
Fee Due in 2 Months	02-Aug-2003	Reminder	02-Oct-2003
Fee Due in 1 Month	02-Sep-2003	Reminder	02-Oct-2003
Issue Fee Due	02-Oct-2003	Final	02-Oct-2003
Watch for Issue Notification	02-Jan-2004	Status Check	02-Jan-2004

User ID: cah

Date Created: 07-Jul-2003

Last Update: 25-Nov-2003

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## Actions Due

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Thursday, April 29, 2004

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Client-Matter #: 109910-130354

SubCase:

Country: US United States of America

Case Type: PRI

Status : Inactivate

Action Type: US-3 Month Office Action

Base Date: 02-Jul-2003

Response sent date: 02-Oct-2003

Action(s) Due	Due Date	Indicator	Taken
1 Month to Due Date	02-Sep-2003	Reminder	02-Oct-2003
3 Month Due Date	02-Oct-2003	Due Date	02-Oct-2003
1st Extension	02-Nov-2003	Due Date	02-Oct-2003
2nd Extension	02-Dec-2003	Due Date	02-Oct-2003
3rd Extension	02-Jan-2004	Final	02-Oct-2003
Watch for Next Action	02-Jan-2004	Due Date	02-Jan-2004

User ID: cah

Date Created: 08-Jul-2003

Last Update: 05-Dec-2003

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## Actions Due

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Thursday, April 29, 2004

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Client-Matter #: 109909-129568

SubCase:

Country: US United States of America

Case Type: ORD

Status : Pending

Action Type: US-3 Month Office Action

Base Date: 03-Nov-2003

Response sent date: 03-Feb-2004

Action(s) Due	Due Date	Indicator	Taken
1 Month to Due Date	03-Jan-2004	Reminder	03-Feb-2004
3 Month Due Date	03-Feb-2004	Due Date	03-Feb-2004
1st Extension	03-Mar-2004	Due Date	03-Feb-2004
2nd Extension	03-Apr-2004	Due Date	03-Feb-2004
3rd Extension	03-May-2004	Final	03-Feb-2004
Watch for Next Action	03-May-2004	Due Date	

User ID: cah

Date Created: 10-Nov-2003

Last Update: 04-Feb-2004

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## Actions Due

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Thursday, April 29, 2004

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Client-Matter #: 109910-130361

SubCase:

Country: US United States of America

Case Type: CIP

Status : Allowed

Action Type: US-Allowance

Base Date: 02-Oct-2003

Response sent date: 29-Dec-2003

Action(s) Due	Due Date	Indicator	Taken
Fee Due in 2 Months	02-Nov-2003	Reminder	29-Dec-2003
Fee Due in 1 Month	02-Dec-2003	Reminder	29-Dec-2003
Issue Fee Due	02-Jan-2004	Final	29-Dec-2003
Watch for Issue Notification	29-Mar-2004	Due Date	29-Mar-2004

User ID: cah

Date Created: 09-Oct-2003

Last Update: 08-Apr-2004

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## Actions Due

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Thursday, April 29, 2004

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Client-Matter #: 109881-130190

SubCase:

Country: US United States of America

Case Type: PRI

Status : Transferred

Action Type: US-Allowance

Base Date: 02-Oct-2003

Response sent date: 14-Oct-2003

Action(s) Due	Due Date	Indicator	Taken
Fee Due in 2 Months	02-Nov-2003	Reminder	14-Oct-2003
Fee Due in 1 Month	02-Dec-2003	Reminder	14-Oct-2003
Issue Fee Due	02-Jan-2004	Final	14-Oct-2003

User ID: hla

Date Created: 09-Oct-2003

Last Update: 15-Oct-2003



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## Actions Due

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Thursday, April 29, 2004

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Client-Matter #: 109911-130430

SubCase:

Country: US United States of America

Case Type: ORD

Status : Pending

Action Type: US-3 Month Office Action

Base Date: 03-Nov-2003

Response sent date: 30-Jan-2004

Action(s) Due	Due Date	Indicator	Taken
1 Month to Due Date	03-Jan-2004	Reminder	30-Jan-2004
3 Month Due Date	03-Feb-2004	Due Date	30-Jan-2004
1st Extension	03-Mar-2004	Due Date	30-Jan-2004
2nd Extension	03-Apr-2004	Due Date	30-Jan-2004
Watch for Next Action	30-Apr-2004	Due Date	
3rd Extension	03-May-2004	Final	30-Jan-2004

User ID: cah

Date Created: 12-Nov-2003

Last Update: 30-Jan-2004

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## Actions Due

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Thursday, April 29, 2004

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Client-Matter #: 107773-133185

SubCase:

Country: GB United Kingdom

Case Type: EPC

Status : Issued

Action Type: Annuity Due

Base Date: 02-Feb-2004

Response sent date: 20-Jan-2004

Action(s) Due	Due Date	Indicator	Taken
1 mo. 'til Annuity Due	02-Jan-2004	Reminder	20-Jan-2004
Annuity Due	02-Feb-2004	Due Date	20-Jan-2004

User ID: hla

Date Created: 01-May-2003

Last Update: 20-Jan-2004

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## Actions Due

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Thursday, April 29, 2004

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Client-Matter #: 109996-133080

SubCase:

Country: RU Russian Federation

Case Type: ORD

Status : Pending

Action Type: Certified copy

Base Date: 07-Sep-2003

Response sent date: 03-Jul-2003

Action(s) Due	Due Date	Indicator	Taken
Certified copy	07-Sep-2003	Due Date	03-Jul-2003
Certified copy Follow Up Date	03-Jan-2004	Due Date	21-Aug-2003

User ID: rls

Date Created: 12-Jun-2003

Last Update: 21-Aug-2003

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## Actions Due

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Thursday, April 29, 2004

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Client-Matter #: 109996-133080

SubCase:

Country: RU Russian Federation

Case Type: ORD

Status : Pending

Action Type: Power of Attorney

Base Date: 07-Jul-2003

Response sent date: 03-Jul-2003

Action(s) Due	Due Date	Indicator	Taken
Power of Attorney	07-Jul-2003	Due Date	03-Jul-2003
Power of Attorn Follow Up Date	03-Jan-2004	Due Date	21-Aug-2003

User ID: rls

Date Created: 12-Jun-2003

Last Update: 21-Aug-2003

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## Actions Due

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Thursday, April 29, 2004

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Client-Matter #: 109996-133078

SubCase:

Country: PL Poland

Case Type: ORD

Status : Pending

Action Type: Assignment, POA

Base Date: 02-Sep-2003

Response sent date: 03-Jul-2003

Action(s) Due	Due Date	Indicator	Taken
Assignment, POA	02-Sep-2003	Due Date	03-Jul-2003
Assignment, POA Follow Up Date	03-Jan-2004	Due Date	

User ID: rls

Date Created: 08-May-2003

Last Update: 03-Jul-2003

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## Actions Due

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Thursday, April 29, 2004

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Client-Matter #: 109996-133078

SubCase:

Country: PL Poland

Case Type: ORD

Status : Pending

Action Type: Certified Copy

Base Date: 08-Jul-2003

Response sent date: 03-Jul-2003

Action(s) Due	Due Date	Indicator	Taken
Certified Copy	08-Jul-2003	Due Date	03-Jul-2003
Certified Copy Follow Up Date	03-Jan-2004	Due Date	

User ID: rls

Date Created: 08-May-2003

Last Update: 03-Jul-2003



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## Actions Due

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Thursday, April 29, 2004

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Client-Matter #: 109996-133081

SubCase:

Country: ZA South Africa

Case Type: ORD

Status : Published

Action Type: Certified Copy due

Base Date: 07-Nov-2003

Response sent date: 03-Jul-2003

Action(s) Due	Due Date	Indicator	Taken
Certified Copy due	07-Nov-2003	Due Date	03-Jul-2003
Certified Copy Follow Up Date	03-Jan-2004	Due Date	

User ID: rls

Date Created: 12-Jun-2003

Last Update: 03-Jul-2003

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## Actions Due

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Thursday, April 29, 2004

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Client-Matter #: 109166-134377

SubCase:

Country: WO Patent Cooperation Treaty

Case Type: ORD

Status : Pending

Action Type: PCT-Search Report

Base Date: 03-Dec-2003

Response sent date: 03-Mar-2004

Action(s) Due	Due Date	Indicator	Taken
Rmdr to submit amended claims	03-Jan-2004	Reminder	03-Mar-2004
Ddlm to submit amended claims	03-Feb-2004	Due Date	03-Mar-2004
Rmdr to submit US IDS	03-Feb-2004	Reminder	03-Mar-2004
Ddlm to submit US IDS	03-Mar-2004	Due Date	03-Mar-2004

User ID: hla

Date Created: 10-Dec-2003

Last Update: 03-Mar-2004

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## Actions Due

---

Thursday, April 29, 2004

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Client-Matter #: 109866-134372

SubCase:

Country: US United States of America

Case Type: ORD

Status : Published

Action Type: Information Disclosure Stmtnt

Base Date: 02-Oct-2003

Response sent date: 12-Feb-2004

Action(s) Due	Due Date	Indicator	Taken
Information Disclosure Stmtnt	02-Jan-2004	Due Date	12-Feb-2004
Information Dis Follow Up Date	12-Aug-2004	Due Date	

User ID: sxh

Date Created: 02-Oct-2003

Last Update: 12-Feb-2004

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## Actions Due

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Thursday, April 29, 2004

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Client-Matter #: 109866-134373

SubCase:

Country: US      United States of America

Case Type: ORD

Status : Pending

Action Type: Information Disclosure Stmtnt

Base Date: 02-Oct-2003

Response sent date: 12-Feb-2004

Action(s) Due	Due Date	Indicator	Taken
Information Disclosure Stmtnt	02-Jan-2004	Due Date	12-Feb-2004

User ID: hla

Date Created: 02-Oct-2003

Last Update: 25-Feb-2004

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## Actions Due

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Thursday, April 29, 2004

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Client-Matter #: 110029-133956

SubCase:

Country: US United States of America

Case Type: PRO

Status : Transferred

Action Type: File Application

Base Date: 03-Jul-2003

Response sent date: 21-Aug-2003

Action(s) Due	Due Date	Indicator	Taken
Filing Reminder	03-Jan-2004	Due Date	21-Aug-2003
Filing Due	03-Jul-2004	Final	21-Aug-2003

User ID: hla

Date Created: 08-Jul-2003

Last Update: 21-Aug-2003

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## Actions Due

---

Thursday, April 29, 2004

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Client-Matter #: 110029-133956

SubCase:

Country: US United States of America

Case Type: PRO

Status : Transferred

Action Type: Foreign Filing

Base Date: 03-Jul-2003

Response sent date: 21-Aug-2003

Action(s) Due	Due Date	Indicator	Taken
Foreign Filing Reminder	03-Jan-2004	Due Date	21-Aug-2003
Foreign Filing Due	03-Jul-2004	Final	21-Aug-2003

User ID: hla

Date Created: 08-Jul-2003

Last Update: 21-Aug-2003

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## Actions Due

---

Thursday, April 29, 2004

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Client-Matter #: 108610-124880

SubCase: 1

Country: CA Canada

Case Type: ORD

Status : Pending

Action Type: Annuity Reminders

Base Date: 04-Mar-2004

Response sent date: 13-Jan-2004

Action(s) Due	Due Date	Indicator	Taken
3 months to annuity due	04-Dec-2003	Reminder	13-Jan-2004
2 months to annuity due	04-Jan-2004	Reminder	13-Jan-2004
1 month to annuity due	04-Feb-2004	Reminder	13-Jan-2004

User ID: af

Date Created: 03-Dec-2003

Last Update: 13-Jan-2004

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## Actions Due

---

Thursday, April 29, 2004

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Client-Matter #: 091888-132794

SubCase:

Country: CA Canada

Case Type: ORD

Status : Published

Action Type: Annuity Reminders

Base Date: 04-Mar-2004

Response sent date: 13-Jan-2004

Action(s) Due	Due Date	Indicator	Taken
3 months to annuity due	04-Dec-2003	Reminder	13-Jan-2004
2 months to annuity due	04-Jan-2004	Reminder	13-Jan-2004
1 month to annuity due	04-Feb-2004	Reminder	13-Jan-2004

User ID: af

Date Created: 04-Nov-2003

Last Update: 13-Jan-2004



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## Actions Due

---

Thursday, April 29, 2004

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Client-Matter #: 111079-135565

SubCase:

Country: WO Patent Cooperation Treaty

Case Type: ORD

Status : Pending

Action Type: PCT-Invit. to Correct Defects

Base Date: 19-Dec-2003

Response sent date: 14-Jan-2004

Action(s) Due	Due Date	Indicator	Taken
Rmdr-Resp. to Invitation due	02-Jan-2004	Reminder	14-Jan-2004
Response to Invitation due	19-Jan-2004	Final	14-Jan-2004

User ID: hla

Date Created: 08-Jan-2004

Last Update: 14-Jan-2004

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## Actions Due

---

Thursday, April 29, 2004

Page: 1

Client-Matter #: 108670-131004

SubCase:

Country: US United States of America

Case Type: ORD

Status : Pending

Action Type: Retract non-publication if nec

Base Date: 03-Oct-2003

Response sent date:

Action(s) Due	Due Date	Indicator	Taken
Retract non-publication if nec	03-Oct-2003	Due Date	

User ID: hla

Date Created: 11-Jun-2003

Last Update: 17-Dec-2003

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## Actions Due

---

Thursday, April 29, 2004

Page: 2

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Client-Matter #: 109866-134372

SubCase:

Country: US United States of America

Case Type: ORD

Status : Published

Action Type: Application Status Check

Base Date: 02-Oct-2003

Response sent date:

Action(s) Due	Due Date	Indicator	Taken
Application Status Check	02-Apr-2005	Due Date	

User ID: hla

Date Created: 02-Oct-2003

Last Update: 02-Oct-2003

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## Actions Due

---

Thursday, April 29, 2004

Page: 3

Client-Matter #: 109866-134372

SubCase:

Country: US United States of America

Case Type: ORD

Status : Published

Action Type: Information Disclosure Stmtnt

Base Date: 02-Oct-2003

Response sent date: 12-Feb-2004

Action(s) Due	Due Date	Indicator	Taken
Information Disclosure Stmtnt	02-Jan-2004	Due Date	12-Feb-2004
Information Dis Follow Up Date	12-Aug-2004	Due Date	

User ID: sxh

Date Created: 02-Oct-2003

Last Update: 12-Feb-2004

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## Actions Due

---

Thursday, April 29, 2004

Page: 4

Client-Matter #: 109866-134373

SubCase:

Country: US United States of America

Case Type: ORD

Status : Pending

Action Type: Application Status Check

Base Date: 02-Oct-2003

Response sent date:

Action(s) Due	Due Date	Indicator	Taken
Application Status Check	02-Apr-2005	Due Date	

User ID: hla

Date Created: 02-Oct-2003

Last Update: 25-Feb-2004

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## Actions Due

---

Thursday, April 29, 2004

Page: 5

Client-Matter #: 109866-134373

SubCase:

Country: US United States of America

Case Type: ORD

Status : Pending

Action Type: Information Disclosure Stmtnt

Base Date: 02-Oct-2003

Response sent date: 12-Feb-2004

Action(s) Due	Due Date	Indicator	Taken
Information Disclosure Stmtnt	02-Jan-2004	Due Date	12-Feb-2004

User ID: hla

Date Created: 02-Oct-2003

Last Update: 25-Feb-2004

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## Actions Due

---

Thursday, April 29, 2004

Page: 6

Client-Matter #: 109881-130187

SubCase:

Country: US United States of America

Case Type: ORD

Status : Transferred

Action Type: US-Final Office Action

Base Date: 03-Oct-2003

Response sent date: 14-Oct-2003

Action(s) Due	Due Date	Indicator	Taken
1 Month to Due Date	03-Dec-2003	Reminder	14-Oct-2003
3 Month Due Date	03-Jan-2004	Due Date	14-Oct-2003
1st Extension	03-Feb-2004	Reminder	14-Oct-2003
2nd Extension	03-Mar-2004	Reminder	14-Oct-2003
2 Weeks to Final Date	18-Mar-2004	Due Date	14-Oct-2003
6 Month Final Date	03-Apr-2004	Final	14-Oct-2003
File Notice of Appeal?	03-Apr-2004	Final	14-Oct-2003
US-Final Office Follow Up Date	14-Apr-2004	Due Date	14-Oct-2003

User ID: hla

Date Created: 09-Oct-2003

Last Update: 15-Oct-2003

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## Actions Due

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Thursday, April 29, 2004

Page: 7

Client-Matter #: 109881-130190

SubCase:

Country: US United States of America

Case Type: PRI

Status : Transferred

Action Type: US-Allowance

Base Date: 02-Oct-2003

Response sent date: 14-Oct-2003

Action(s) Due	Due Date	Indicator	Taken
Fee Due in 2 Months	02-Nov-2003	Reminder	14-Oct-2003
Fee Due in 1 Month	02-Dec-2003	Reminder	14-Oct-2003
Issue Fee Due	02-Jan-2004	Final	14-Oct-2003

User ID: hla

Date Created: 09-Oct-2003

Last Update: 15-Oct-2003



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## Actions Due

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Thursday, April 29, 2004

Page: 8

Client-Matter #: 109897-129956

SubCase:

Country: US United States of America

Case Type: ORD

Status : Published

Action Type: US-3 Month Office Action

Base Date: 02-Oct-2003

Response sent date: 31-Dec-2003

Action(s) Due	Due Date	Indicator	Taken
1 Month to Due Date	02-Dec-2003	Reminder	31-Dec-2003
3 Month Due Date	02-Jan-2004	Due Date	31-Dec-2003
1st Extension	02-Feb-2004	Due Date	31-Dec-2003
2nd Extension	02-Mar-2004	Due Date	31-Dec-2003
Watch for Next Action	31-Mar-2004	Status Check	18-Mar-2004
3rd Extension	02-Apr-2004	Final	31-Dec-2003

User ID: hla

Date Created: 09-Oct-2003

Last Update: 23-Mar-2004

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## Actions Due

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Thursday, April 29, 2004

Page: 9

Client-Matter #: 109910-130361

SubCase:

Country: US United States of America

Case Type: CIP

Status : Allowed

Action Type: US-Allowance

Base Date: 02-Oct-2003

Response sent date: 29-Dec-2003

Action(s) Due	Due Date	Indicator	Taken
Fee Due in 2 Months	02-Nov-2003	Reminder	29-Dec-2003
Fee Due in 1 Month	02-Dec-2003	Reminder	29-Dec-2003
Issue Fee Due	02-Jan-2004	Final	29-Dec-2003
Watch for Issue Notification	29-Mar-2004	Due Date	29-Mar-2004

User ID: cah

Date Created: 09-Oct-2003

Last Update: 08-Apr-2004

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## Actions Due

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Thursday, April 29, 2004

Page: 10

Client-Matter #: 111079-134973

SubCase:

Country: US United States of America

Case Type: PRO

Status : Pending

Action Type: File Application

Base Date: 02-Oct-2003

Response sent date:

Action(s) Due	Due Date	Indicator	Taken
Filing Reminder	02-Apr-2004	Due Date	
Filing Due	02-Oct-2004	Final	

User ID: rls

Date Created: 08-Oct-2003

Last Update: 08-Oct-2003

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## Actions Due

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Thursday, April 29, 2004

Page: 11

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Client-Matter #: 111079-134973

SubCase:

Country: US United States of America

Case Type: PRO

Status : Pending

Action Type: Foreign Filing

Base Date: 02-Oct-2003

Response sent date:

Action(s) Due	Due Date	Indicator	Taken
Foreign Filing Reminder	02-Apr-2004	Due Date	
Foreign Filing Due	02-Oct-2004	Final	

User ID: rls

Date Created: 08-Oct-2003

Last Update: 08-Oct-2003

## Actions Due

Thursday, April 29, 2004

Page: 1

Client-Matter #: 109897-129960

SubCase:

Country: US United States of America

Case Type: ORD

Status : Pending

Action Type: New Application

Base Date: 01-Mar-2002

Response sent date: 02-Sep-2002

Action(s) Due	Due Date	Indicator	Taken
Watch for Return Receipt PC	01-Apr-2002	Due Date	18-Mar-2002
Ddline to file IDS	03-Jun-2002	Due Date	11-Oct-2002
Watch for NTFMP	03-Jun-2002	Due Date	21-May-2002
Foreign Filing Letter	02-Sep-2002	Due Date	11-Oct-2002
3 mo. Foreign Filing Reminder	02-Dec-2002	Due Date	27-Jan-2003
Foreign Filing Deadline	03-Mar-2003	Due Date	03-Mar-2003
Watch for 1st Office Action	01-Mar-2004	Status Check	

User ID: hla

Date Created: 01-Mar-2002

Last Update: 29-Apr-2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

David R Ohm.

Application No.: 10/087,878

Filing Date: April 13, 2004

For: MONITORING A  
SEMICONDUCTOR LASER  
UTILIZING AN INCORPORATED  
BEAM SPLITTER DEVICE

Examiner: Connelly-Cushwa, Michelle

Art Group: 2874

Confirmation No.: 6254

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on this date: 04/30/2004

Typed or Printed: Heather L. Adamson

Signature: Heather L. Adamson Date: 04/30/2004

Attention: Office of Petitions  
Mail Stop PETITION  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF FACTS IN SUPPORT OF  
PETITION IN ACCORDANCE WITH 37 CFR §1.181**

I, Sally Houk, hereby declare that:

1. I am a resident of Portland, in Multnomah County of the State of Oregon.
2. I am a legal assistant at the law firm of Schwabe, Williamson and Wyatt, P.C. ("SCHWABE"), and have been since September 1982.
3. On April 7, 2004, I received a telephone call from Examiner Michelle Connelly-Cushwa requesting confirmation of Applicant's intent to abandon the above-referenced patent application. I obtained contact information from Examiner Connelly-Cushwa and indicated that I would attempt to locate the file and have someone call the Examiner back.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Executed by and on the date as set forth below:

Date: 4-30-04

By: Sally Houk  
Sally Houk

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

David R Ohm.

Application No.: 10/087,878

Filing Date: April 13, 2004

For: MONITORING A  
SEMICONDUCTOR LASER  
UTILIZING AN INCORPORATED  
BEAM SPLITTER DEVICE

Examiner: Connelly-Cushwa, Michelle

Art Group: 2874

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Typed or Printed: Heather L. Adamson

Signature: Heather L. Adamson

Date: 04/30/2004

Attention: Office of Petitions  
Mail Stop PETITION  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF FACTS IN SUPPORT OF  
PETITION IN ACCORDANCE WITH 37 CFR §1.181**

I, Heather Adamson, hereby declare that:

1. I am a resident of Milwaukie, in Clackamas County of the State of Oregon.
2. I am a patent paralegal at the law firm of Schwabe, Williamson and Wyatt, P.C. ("SCHWABE"), and have been since September 2002.
3. On April 7, 2004, I placed a telephone call to Examiner Connelly-Cushwa and explained to the Examiner that the Office Action of October 3, 2003 had not been received by SCHWABE and further indicated to the Examiner that it was not Applicant's or SCHWABE's intention to abandon the above-referenced patent application. In a following telephone conversation, I further requested that a Notice of Abandonment be sent promptly to SCHWABE so that a Petition could be filed.

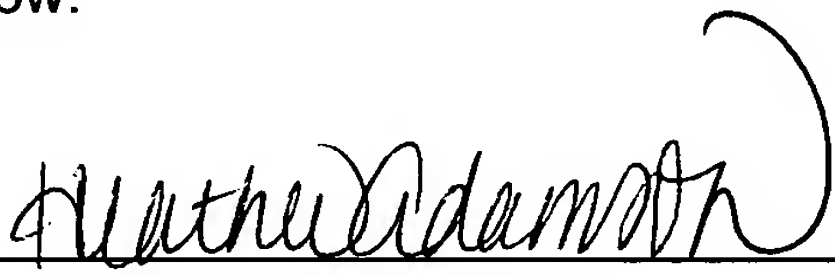


4. On April 15, 2004, I received a facsimile copy of the outstanding Office Action of October 3, 2003 from Examiner Connelly-Cushwa.

**I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.**

Executed by and on the date as set forth below:

Date: 04/30/2004

By:   
Heather Adamson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

David R Ohm.

Application No.: 10/087,878

Filing Date: April 13, 2004

For: MONITORING A  
SEMICONDUCTOR LASER  
UTILIZING AN INCORPORATED  
BEAM SPLITTER DEVICE

Examiner: Connelly-Cushwa, Michelle

Art Group: 2874

Confirmation No.: 6254

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on this date: 04/30/2004

Typed or Printed: Heather L. Adamson

Signature: *Heather L. Adamson*

Date: 04/30/2004

Attention: Office of Petitions  
Mail Stop PETITION  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF FACTS IN SUPPORT OF  
PETITION IN ACCORDANCE WITH 37 CFR §1.181**

I, Jason K. Klindtworth, hereby declare that:

1. I am a resident of West Linn, in Clackamas County of the State of Oregon.
2. I am an associate attorney at the law firm of Schwabe, Williamson and Wyatt, P.C. ("SCHWABE"), and have been since September 2002.
3. On or about April 14, 2004, I was assigned the task of reviving the above-referenced application. Pursuant to this assignment, I proceeded to review the file history and review the USPTO rules and procedures to determine proper corrective action.
4. On April 15, 2004, I spoke with Examiner Connelly-Cushwa to obtain further clarification regarding a course of corrective action recommended by the USPTO.

5. On April 16, 2004 and again on April 19, 2004, I participated in telephone calls with Sharene Willis, a Petition Attorney in the USPTO Office of Petitions, regarding requirements for filing a Petition in accordance with 37 C.F.R. §1.181 to revive the above-referenced application.

6. I confirm that I did not receive a copy of the October 3, 2003 Office Action at any time prior to April 15, 2004. I further attest that I have performed a search of the file jacket and docket records associated with the above-referenced patent application, which indicate that the October 3, 2003 Office Action was not received by SCHWABE prior to April 15, 2004.

**I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.**

Executed by and on the date as set forth below:

Date: 4/30/04

By:   
Jason K. Klindtworth  
Attorney for Applicants